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General and complete disarmament: small arms

Letter dated 3 February 2000 from the Permanent Representative of Norway to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the documents of the second Oslo Meeting on Small Arms, held in Oslo on 6 and 7 December 1999 (see annex).

I should be grateful if the present letter and its enclosures could be circulated as a document of the General Assembly, under agenda item 76 (f).

(Signed) Ole Peter **Kolby**
Ambassador
Permanent Representative

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Annex

The Second Oslo Meeting on Small Arms and Light Weapons (Oslo II), 6-7 December 1999

Elements of a Common Understanding

Concerns and Challenges

Representatives from 18 countries (annex I), recognizing the problems caused by the excessive availability, accumulation and uncontrolled proliferation of small arms and light weapons, met in Oslo 6 and 7 December, 1999 as a follow-up to the first Oslo Meeting (13-14 July, 1998) in order to further discuss the humanitarian, developmental, and security concerns raised by this issue.

Most contemporary conflicts have been fought with small arms and light weapons, often targeting civilians, as well as humanitarian operations and UN and other personnel. The accumulations and flows of small arms and light weapons often undermine economic development, impair conflict prevention efforts; exacerbate armed conflicts; complicate peacekeeping and peace support operations; and retard post-conflict reconciliation and reconstruction. Trafficking in small arms has become an integral part of vicious circles where conflict feeds on itself, making it difficult to promote durable peace. Representatives recognized that controlling and regulating brokering activities is one element in a comprehensive approach to dealing with problems relating to small arms and light weapons. When considering action and policy on all aspects of the small arms problem, it was recognized that the different security situations of states must be taken into account.

Objectives

An objective of the international small arms agenda, focusing on both illicit and licit activities, is to control and reduce the excessive and destabilizing accumulation and use of these weapons. To achieve this objective, a number of interlocking strategies have been developed i. a.:

- Combatting illicit manufacturing and trafficking by developing inter alia international legally binding instruments.
- Strengthening regulation and controls on destabilizing accumulations and transfers.
- Considering measures to deal with the issue of arms brokering.
- Enhancing transparency measures, including information exchange and consultations.
- Setting up and providing assistance to national programs to collect and destroy small arms and light weapons in excess of legitimate defence requirements.
- Promoting local, national and regional practical disarmament measures in the context of the consolidation of peace, through the implementation of disarmament, demobilization and reintegration programmes.
- Further developing norms and standards to promote supplier restraint.

The objectives of the Second Oslo Meeting were twofold:

1. The international agenda on small arms and light weapons:

- To take stock of developments on the international small arms agenda during the past year.
- To deepen the common understanding of the participants of the challenges ahead.
- To exchange information among participants on initiatives/priorities they have taken, or will take, to move the agenda forward in order to optimize the use of available resources and to promote complementarity of efforts.
- And, to discuss how the growing international awareness of the small arms agenda can be translated into practical, result-oriented action.

2. Arms brokering:

- To have a more in-depth review of challenges related to arms brokering in all its aspects and related activities, including a discussion of measures to deal with the issue.

The International Agenda on Small Arms and Light Weapons

Review – The process ahead

- The meeting recognized and welcomed the different initiatives which have moved the international agenda on small arms and light weapons forward. Various global, regional and sub-regional initiatives are reflected in annex II. The urgent need for practical action was reiterated and the expansion of these and further initiatives was encouraged. The meeting recognized the need for continued international support for and assistance to such initiatives.

- It was noted that the participating states are actively involved in many key initiatives in the field of small arms, although individual countries naturally can not be equally engaged in all processes and fora.

- More attention should be given to exploiting synergies, promoting complementarity, avoiding overlaps and identifying possible gaps not covered by the various initiatives. Increased cooperation and information sharing among law enforcement authorities, criminal intelligence agencies, customs officials, development assistance agencies, as well as authorities responsible for peacekeeping operations, – within and between governments – is a practical step that should be further developed.

- The leading role played by the United Nations in raising awareness and understanding of the excessive and destabilizing accumulation and transfer of small arms and light weapons was recognized, as well as its contribution to tackling the problem. The Protocol Against Illicit Firearms Trafficking will be a critical step toward addressing the issue of small arms. The UN Conference on Illicit Trade of Small Arms and Light Weapons in All Its Aspects in 2001 will be an important contribution to adressing problems related to small arms. It was noted that the success of this conference requires an open and thorough preparatory process with the broadest possible participation. It is also important that the UN Conference in 2001 take into account the outcome of the negotiations of the firearms protocol to be concluded shortly to ensure complementarity and mutually reinforcing outcomes.

- Complete, reliable and up-to-date information and analysis and systematic data collection focused on the problems of small arms is essential for developing coherent policies. The meeting welcomed practical efforts to fill the information gap such as the establishment of a Yearbook on Small Arms and Light Weapons Issues, to be published in Geneva.

- The meeting recognized the importance of exploring possible synergies between the various regional and sub-regional initiatives in order to more effectively implement best practices through more extensive exchanges on experiences and lessons learned.

- Whilst recognizing that governments continue to bear the main responsibility, the meeting emphasized the importance of the contribution made by civil society in general and NGOs active in this field.

Arms Brokering

Participating states shared a deep concern about the flow of small arms and light weapons into areas and countries of conflict and into the hands of transnational organized crime. They recognized the role played therein by arms brokering, which in a broad sense is assistance in the sale and transfer of arms from the producer or holder to the buyer or end-user. The meeting noted that brokers play a significant and largely legal role in facilitating transfers of arms. However, illegal transactions involving small arms or transactions occuring in the grey zone on the fringes of the law contribute to excessive and destabilizing accumulations. Transactions occuring in this grey zone, although not necessarily illegal, can contribute to the detrimental impact of small arms proliferation on states and civilians. Brokers may never see the arms they are conveying and may operate from countries where legislation on brokering activities is missing or insufficient. Differences in the scope of national regulations may serve to create sanctuaries for illicit arms brokers.

The participating states recognized that regulating brokering activities is one element in a comprehensive approach to dealing with problems relating to the flow of small arms and light weapons. In that regard, the meeting discussed various positive developments by states and international organizations in the control of arms brokering. It was recognized that relevant legislative and enforcement measures, combined with international cooperative arrangements, could have a positive impact. The meeting discussed the strengths and weaknesses of various national systems of legislation, regulation and control, which in some cases were seen to be insufficient.

On the basis of these discussions the meeting identified areas for further study, as well as appropriate measures that could be considered for adoption and implementation. These are reflected below.

Measures on arms brokering

International

- Develop common understandings of basic issues and the scope of the problems related to arms brokering.

- Consider the insertion of clauses on brokering activities in legally binding UNSC embargo resolutions.

- Include appropriate provisions on brokering in relevant international legal instruments. In particular, the proposed provision in the Draft Protocol on Firearms would make a significant contribution to a global approach to regulating brokering of arms.

- Develop improved international standards on documentation to reduce fraud.

- Enhance measures between exporting and importing countries to ensure that shipments are not diverted.

- Develop model brokering legislation and regulations, including comprehensive definitions, in order to achieve more effective national control on brokering in all its aspects as well as related activities. These could constitute international standards against which implementation could be measured.

National

- Encourage greater national commitment to implement measures to control brokers and brokering, e.g. by regulation, authorization and/or registration, including prior license requirement.

- Establish national legislation and enforcement systems on small arms brokering where none exist and criminalize violations.

- Offer outreach/training for the adoption of suitable legislation and effective enforcement mechanisms, including industry awareness-building, to countries wishing to improve their systems.

Information exchange

- Exchange information bilaterally, in regional organizations and in other appropriate fora on legislation and enforcement systems concerning brokering and related activities. Such exchanges could i.a. identify loopholes in existing laws and enforcement practices.

- Establish cooperative measures to share information on illicit traders, *cf.* the IAEA information exchange on illicit trafficking of nuclear material.

Appendix I

List of participating States

Australia

Austria

Belgium

Brazil

Canada

Chile

Finland

Germany

Japan

Mali

Mexico

Netherlands

Norway

South Africa

Sweden

Switzerland

United Kingdom of Great Britain and Northern Ireland

United States of America

Appendix II

Global and regional initiatives

- The Secretary-General's report on small arms of 1999 (report of the Group of Governmental Experts on Small Arms) [A/54/258]
- The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime — the protocol on illicit manufacturing of and trafficking in firearms, ammunition, and other related materials
- The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects to be held in June/July 2001
- The OAS Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials and their component parts
- The OAS/CICAD Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition
- The Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa
- Initiatives taken by the Organization of African Unity and the Southern African Development Community on the proliferation of small arms and light weapons
- United Nations African Institute for the Prevention of Crime and the Treatment of Offenders study of firearms and border control laws and practices
- ASEAN Regional Forum intersessional group on confidence-building measures consideration of the issue of preventing and combating illicit trafficking in conventional arms
- South Pacific Chiefs of Police conference work on a common regional approach to weapon control, focusing on the illicit manufacture of, and trafficking in, firearms, ammunition, explosives and other related materials
- The OSCE Istanbul statement on small arms/the OSCE Principles Governing Conventional Arms Transfers
- The OECD/DAC guidelines on peace, conflict and development
- The Brussels Call for Action adopted by the International Conference on Sustainable Disarmament for Sustainable Development, Brussels, 12 and 13 October 1998
- An International Agenda on Small Arms and Light Weapons: Elements of a Common Understanding, adopted at the Oslo Meeting on Small Arms, 13 and 14 July 1998
- The European Union Code of Conduct on Arms Exports and the first European Union annual report on arms exports
- The European Union Programme for Combating and Preventing Illicit Trafficking in Conventional Arms

- The European Union joint action on small arms and light weapons
- Establishment of the Euro-Atlantic Partnership Council Ad Hoc Working Group on Small Arms and related initiatives
- The European Union-United States Joint Statement and Action Plan on Small Arms and Light Weapons, to be released on 15 December 1999
- The European Union-Canada Joint Statement and Action Plan on Small Arms and Light Weapons, released on 2 September 1999
- Member States of MERCOSUR (Argentina, Brazil, Paraguay and Uruguay) Joint Register of Buyers and Sellers of Firearms, Explosives, Ammunition and Related Materials (1998)
- Declaration of the First Conference of Heads of State and Government of Latin America and the Caribbean and the European Union, held at Rio de Janeiro in June 1999